

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 697 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed : YES  
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?

4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

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BHAMARLAL BABULAL KHEMSARA

Versus

REGIONAL TRANSPORT OFFICER

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Appearance:

MR MM TIRMIZI for Petitioner

MR DN PATEL, APP for Respondent No. 2

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CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 23/12/1999

ORAL JUDGEMENT

Heard learned counsel Mr. Tirmizi for the  
petitioner and Ld. APP Mr. D.N. Patel for the  
Respondent.

2. Rule. Learned APP Mr. D.N. Patel appears and  
waives service of Rule for the Respondents.  
3. I have considered the facts and circumstances

narrated by the petitioner in the petition. Learned counsel for the petitioner submits that the petitioner do not want to compound the cases which are pending against

the petitioner. The learned APP for the respondents submits that if the petitioner is not willing to compound any case pending against him, the respondents will be constrained to initiate appropriate proceedings as per the provisions of the Motor Vehicles Act.

4. It is, therefore, directed that the concerned Regional Transport Officer shall process and decide the application/s in accordance with law, without compelling the petitioner to first compound any offence punishable under the Motor Vehicles Act. It is, however, clarified that this order does not take away the right of the authority to initiate action under sections 53 and 86 of the said Act, if it is otherwise permissible in law, subject to the right of the affected person to challenge it.

5. Rule is made absolute accordingly. Direct Service is permitted.

23.12.1999 [ C.K. BUCH, J ]

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